

TENNESSEE STATE BOARD OF EDUCATION		
BACKGROUND INVESTIGATIONS		5118
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

To ensure the safety and welfare of students and staff, the State Board shall require criminal history background checks and fingerprinting of applicants for teaching positions and any other position that require proximity to children in any authorized charter school.ⁱ Additionally, the State Board shall require Department of Children’s Services background checks, Department of Health abuse registry checks, and sex offender registry checks of applicants for teaching positions and any other position that require proximity to children in any school.ⁱⁱ Any costs incurred to perform these background checks and fingerprinting shall be paid by the applicant. Each school may adopt a policy for reimbursing applicants.ⁱⁱⁱ

Use and Dissemination. Fingerprints and other approved forms of positive identification shall be submitted with all requests for criminal history record checks for non-criminal justice purposes.^{iv} The State Board shall ensure the Originating Agency Identifier number is on file at all times.

Tennessee and FBI Criminal History Record Information (“CHRI”) obtained by the State Board shall be solely used by the State Board to verify criminal violation(s) and shall not be disseminated. Results shall be considered confidential and only accessible to the school leader or designee. CHRI shall only be accessed by authorized personnel in performance of their duties and shall never be released to the public.

All persons directly associated with the accessing, maintaining, processing, dissemination, or destruction of CHRI must sign an awareness statement and shall indicate that they have been specifically trained on the subject by the State Board. The training shall provide those with access to CHRI with a working knowledge of federal and state regulations and laws governing the security and processing of criminal history information. The Director of Schools is responsible for ensuring that authorized personnel in each school receives such training within sixty (60) days of employment or job assignment and every three (3) years thereafter.

Retention and Security. The Director of Schools and each school shall adopt procedures to ensure CHRI and all other background information are stored in a secure location. Areas in which CHRI and other background information are processed and handled shall be restricted to authorized personnel identified by the Director of Schools for the State Board. The area shall be out of the view of the public and unauthorized personnel. The Director of Schools shall maintain a list of all employees who have access to, can process, disseminate, and/or destroy CHRI and other background information.

Disposal of CHRI and other background information. When CHRI and other background information are no longer needed, they shall be destroyed by burning, shredding, or other methods

rendering the information unreadable. Record destruction must be conducted under the supervision of the Director of Schools for the State Board or the school leader.

Misuse. Employees who misuse CHRI or other background information or violate this policy shall be subject to disciplinary action up to and including termination. Any employee with knowledge of misuse shall immediately report a violation to the State Board.

Legal References:

ⁱ T.C.A. § 49-5-406(a)(1)

ⁱⁱ T.C.A. § 49-5-413(e)

ⁱⁱⁱ T.C.A. § 49-5-413(c)

^{iv} 42 U.S.C. § 14616(a)